



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: Department of Health- Board of Psychology

- ☒ **Preproposal Statement of Inquiry was filed as WSR 14-23-028 ; or**
☐ **Expedited Rule Making--Proposed notice was filed as WSR ; or**
☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).**

- ☒ **Original Notice**
☐ **Supplemental Notice to WSR**
☐ **Continuance of WSR**

Title of rule and other identifying information: (Describe Subject)

Chapter 246-924 WAC Examining Board of Psychology (board), WAC 246-924-358 Sexual Misconduct. The board is proposing to amend the rule to clarify what forcible or nonconsensual acts are within the definition of sexual misconduct by a psychologist.

Hearing location(s): Washington State Department of Health
 Town Center Building #3, Room 265
 243 Israel Road SE
 Tumwater, WA 98501

Date: 01/29/2016

Time: 3:00

Submit written comments to:

Name: Kim-Boi Shadduck
 Address: Washington State Department of Health
 Examining Board of Psychology
 Po Box 47852
 Olympia, Washington 98504-7852
 e-mail: <http://www3.doh.wa.gov/policyreview/>
 fax 360-236-2901 by (date) 01/22/2016

Assistance for persons with disabilities: Contact

Kim-Boi Shadduck by 01/22/2016

TTY (800) 833-6388 or () 711

Date of intended adoption: 01/29/2016

(Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The proposed rule clarifies and updates the sexual misconduct rule to establish clearer standards of conduct for psychologists under the board's authority. It will also help psychologists understand what constitutes sexual misconduct with any person including people who are not patients, clients, or key third parties that involves force, intimidation, lack of consent, or a conviction of a sex offense listed in RCW 9.94A.030.

Reasons supporting proposal:

Over time the board has realized a very serious category of sexual misconduct may not be captured by current rules; sexual misconduct by a psychologist against a person other than a patient, client, or key party. Some examples include sexual harassment of staff, incest, or other sexual assaults against family members, social acquaintances, or strangers. Updating the sexual misconduct rule will establish clearer standards of conduct and will help the board be consistent in its enforcement activities to more fully comply with RCW 18.130.062 and Executive Order 06-03.

Statutory authority for adoption:

RCW 18.83.050, 18.130.050, and 18.130.062

Statute being implemented:

RCW 18.83.050 and 18.130.062

Is rule necessary because of a:

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

DATE 12/22/2015

NAME (type or print)

Timothy Cahn, Ph.D.

SIGNATURE

T. Cahn Ph.D.

TITLE

Board Chair, Examining Board of Psychology

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED**

DATE: December 22, 2015

TIME: 12:08 PM

WSR 16-01-170

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent: (person or organization)

Department of Health, Examining Board of Psychology

☐ Private

☐ Public

☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Kim-Boi Shadduck	111 Israel Road SE, Tumwater, WA 98501	360-236-2912
Implementation....Kim-Boi Shadduck	111 Israel Road SE, Tumwater, WA 98501	360-236-2912
Enforcement.....Kim-Boi Shadduck	111 Israel Road SE, Tumwater, WA 98501	360-236-2912

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

☒ No. Explain why no statement was prepared.

A small business economic impact statement (SBEIS) was not prepared. Under RCW 19.85.025 and 34.05.310(4)(d), a SBEIS is not required for proposed rules that only clarify the language of a rule without changing its effect.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Betty Moe

Address: Department of Health

Po Box 47852

Olympia, Washington 98504-7852

phone 360-236-4912

fax 360-236-2901

e-mail Betty.Moe@doh.wa.gov

☒ No: Please explain: The agency did not complete a cost benefit analysis under RCW 34.05.328. RCW 34.05.328(5)(b)(iv) exempts rules that only clarify the language of a rule without changing its effect.